

LEGISLATION DID NOT HAVE A SECOND READING AND PUBLIC HEARING....PROPERTY WAS SOLD....WITHDRAWN FROM ANNEXATION PROCESS....

**VILLAGE OF YELLOW SPRINGS
ORDINANCE #2007-02**

ACCEPTING THE ANNEXATION TO THE VILLAGE OF YELLOW SPRINGS, OHIO OF CERTAIN TERRITORY PROPOSED TO BE ANNEXED TO THE VILLAGE OF YELLOW SPRINGS, OHIO PURSUANT TO A PETITION FILED WITH THE BOARD OF COUNTY COMMISSIONERS OF GREENE COUNTY BY HAROLD EDWARD FOGG, CO-TRUSTEE OF THE LUCY VAN NESS LIVING TRUST AND EQUITY TRUST COMPANY CUSTODIAN FBO WARREN D. MILLER IRA, BRADLEY C. SMITH, ESQ., AGENT, AS PROVIDED BY OHIO REVISED CODE SECTION 709.023(D).

WHEREAS, Harold Edward Fogg, Co-Trustee of the Lucy Van Ness Living Trust and Equity Trust Company Custodian FBO Warren D. Miller IRA, by and through their agent, Bradley C. Smith, Esq. (collectively, "Petitioner"), have filed with the Board of Commissioners of Greene County, Ohio, a petition to annex to the Village of Yellow Spring, Ohio, 39.180 acres of land more or less, in Miami Township, Ohio (the "Territory"); and

WHEREAS, the Board of Commissioners of Greene County, Ohio approved the annexation by Resolution 06-10-31-7 adopted on October 31, 2006, a copy of which Resolution is attached hereto as Exhibit A; and

WHEREAS, Ohio Revised Code Section 709.04 provides that the legislative authority of the Village shall adopt an ordinance or resolution accepting or rejecting the annexation of the Territory; and

WHEREAS, it is the intent of the Village Council to respond accordingly and to pass an ordinance to accept the annexation of the Territory.

NOW, THEREFORE, THE COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO HEREBY ORDAINS THAT:

Section 1. The Village of Yellow Springs, Ohio hereby accepts the annexation of the Territory to the Village.

Section 2. The Clerk is hereby directed to make three sets of copies of the following documents: a) the Petition, b) the map or plat accompanying the Petition, c) the transcript of the proceedings of the Board of County Commissioners of Greene County, Ohio relating to the Petition, and d) a copy of this Ordinance and to deliver certified copies of the same to each of the following: 1) the Greene County, Ohio auditor, 2) the Greene County, Ohio recorder, and 3) the Ohio Secretary of State.

Section 3. This Ordinance shall be effective on the earliest date permitted by law.

Karen Wintrow, Vice President of Council

Passed

Attest: _____
Deborah Benning, Clerk of Council

Roll Call:

Karen Wintrow —
Bruce Rickenbach —
Judith Hempfling —
Kathryn Chase —
Kathryn Van der Heiden —